

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing  
(day/month/year) see from PCT/ISA/210 (page 2)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.  
PCT/EP2005/050029

International filing date (day/month/year)  
1/5/2005

Priority date (day/month/year)  
2/24/2004

International Patent Classification (IPC) or both national classification and IPC  
B60Q1/52, G08G1/16

Applicant

ROBERT BOSCH GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/  
European Patent Office Munich

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21839762107

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/050029

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format  
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/EP2005/050029

**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

1. Statement

|                               |        |       |     |
|-------------------------------|--------|-------|-----|
| Novelty (N)                   | Claims | _____ | YES |
|                               | Claims | 1-10  | NO  |
| Inventive step (IS)           | Claims | _____ | YES |
|                               | Claims | 1-10  | NO  |
| Industrial applicability (IA) | Claims | 1-10  | YES |
|                               | Claims | _____ | NO  |

2. Citations and explanations:

see supplemenatry page

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY  
(SUPPLEMENTARY SHEET)

International File No. PCT/EP2005/050029

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**Re Point V.**

1 Reference is made to the following documents:

D1: DE 198 31 071 A1 (DAIMLERCHRYSLER AG) January 20,  
2000 (2000-01-20)

D2 E 198 52 375 A1 (BAYERISCHE MOTOREN WERKE AG) May  
18, 2000 (2000-05-18)

D3: EP 0 738 647 A (KOYO SEIKO CO., LTD) October 23,  
1996 (1996-10-23)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the requirements of Article 33(1) PCT because the object of Claim 1 is not novel as defined by Article 33(2) PCT. Document D1 describes (the references in parentheses refer to this document):

A safety system for a motor vehicle having means for detecting external conditions (column 6, lines 50-60) and internal conditions (speed), a unit for compiling and evaluating this data (regulating system 8), this regulating system determining a driving variation which is specified or at least suggested after a steering maneuver is initiated by the driver (column 7, 22-35, a rotation of the steering wheel into a collision direction is either made more difficult or is not even made possible).

Accordingly D1 describes all the features of Claim 1. In this connection, it should be pointed out that features

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starting with "in particular" are optional and thus not limiting.

Should the applicant be of the opinion that countersteering as described in column 7 is not a driving variation as claimed (as is asserted by the office), he is also referred to column 8, lines 15-20 where an avoidance maneuver is also explicitly described.

- 2.2 An objection to novelty is also raised with Documents D2 and D3, reference being made to the passages cited in the International Search Report.

3 INDEPENDENT CLAIM 5

Claim 5 claims a method as implemented by the system of Claim 1. Accordingly, this method is also anticipated by Documents D1, D2 and D3, each to the prejudice of novelty.

4 INDEPENDENT CLAIM 10

The same applies to Claim 10 which claims the use of the known system of Claim 1 or the method of Claim 9. The use of a known system also lacks novelty.

5 DEPENDENT CLAIMS 2 through 4, 6 through 9

Claims 2 through 4, 6 through 9 contain no features, which in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty or inventive step; see in this regard D1, column 6, line 50 through column 8, line 43.